THE HIGH COURT OF DELHI AT NEW DELHI

Judgment delivered on :12.03.2007

WP(C) No.4089/2003

SMA CO-OP. INDUSTRIAL ESTATE LTD. & ANOTHER ...Petitioners

- versus -

GOVERNMENT OF N.C.T. OF DELHI & OTHERS ...Respondents

Advocates who appeared in this case:
For the Petitioners : Mr Shashi Bhushan
For the Respondent/DJB : Ms Shobhna Takiar
For the Respondent/DSIDC : Ms Renuka Arora

CORAM:-

HON'BLE MR JUSTICE BADAR DURREZ AHMED

1. Whether Reporters of local papers may be allowed to see the judgment?

2. To be referred to the Reporter or not?

3. Whether the judgment should be reported in Digest?

BADAR DURREZ AHMED, J (ORAL)

1. By an order dated 01.08.2003, a direction had been given to carry out a joint inspection for the purposes of ascertaining the true position with regard to the contamination of drinking water in the S.M.A. Industrial Estate. On that date, the learned counsel for the petitioner had placed a letter dated 18.07.2003, which had been issued by the Executive Engineer and which indicated that the work of laying of the Effluent Treatment Plant (ETP) for the

SMA Industrial Estate had been completed and that the water lines damaged during the execution of the work had been repaired and that the factory owners were getting clean drinking water. Since this fact was disputed by the learned counsel for the petitioner, the above joint inspection was directed to be carried out. Thereafter, various proceedings took place and culminated in the final report of inspection which was filed alongwith the affidavit of the Chairman of the Inspecting Committee sometime in September, 2006. The concluding portion of the Inspection Report reads as under:-

> "**Conclusion & Recommendation**
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> From the above and the record submitted, it is evident that the water coming in the society's premises was found to be contaminated. The water supply lines have been laid unerground and as such during inspection it was not possible to find/judge the location at which the sewage or industrial waste is finding its way into the water supply system. A thorough checking of the whole system is required to be done to ascertain the exact location. The water supply system of the area was laid way back in 1997 (as intimated by the society members) and there may be possibility of leakage through joints also.
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> The officers of Delhi Jal Board contend that the water supply system inside the SMA Cooperative Industrial Estate was neither laid by them nor they have been maintaining the same as these have not been handed over to them till date. They have only provided a bulk water connection near KDR Showroom on G.T. Road and at that point the quality of water is satisfactory and the same is being checked regularly. Thus the officers of Delhi Jal Board are of the view that they are not responsible for contamination of water taking place in the society beyond the bulk connection.
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> The matter is however, of grave concern and is required to be attended to on priority to avoid any untoward incident. It is, therefore, suggested that the water supply lines of the SMA Society may be handed over by the society to Delhi Jal

Board for maintenance purposes so that it becomes the wholesole responsibility of Delhi Jal Board to make available the clean water to the factories / societies.

The report is submitted for kind consideration.

DIRECTOR (DEMS)
Chairman of Inspection Team"

2. The learned counsel for the petitioner drew my attention to a letter dated 23.07.2002 written by the SMA Manufacturers' Welfare Association to the Executive Engineer (Water), Delhi Jal Board. In this letter, it was notified to the Jal Board for the first time that while laying down the sewer lines in the SMA Industrial Estate for the purposes of the CET Plant, damage to the water lines was done as a result of which polluted water was seeping into the drinking water pipe lines. The Association requested the Delhi Jal Board to take immediate action for replacing the lines which were damaged.

3. In response, the Delhi Jal Board told the SMA Manufacturer's Welfare Association that the water line opposite C-10, SMA Industrial Estate was broken and a lot of water was going waste and that the same should be repaired at the earliest.

4. The aforesaid facts clearly indicate that while the factory owners in the SMA Industrial Estate are blaming the Delhi Jal Board for the contamination of the drinking water, the Delhi Jal Board is pointing fingers at the members of the Association for the brakage in the water lines. The fact of

the matter is that the drinking water is contaminated as indicated in the report mentioned above. The water is contaminated because there is a leakage in the water pipe lines as well as there is a leakage in the sewage system and the effluent treatment system. It is, therefore, clear that both the systems require immediate attention and repair. The sewage system is under the control of the Delhi Jal Board. The Delhi Jal Board shall carry out an immediate inspection and repair of the sewage system. If it finds that there is any fault with the water pipe lines, which had been laid by the petitioner society, then it shall point out the exact points where the damage has occurred and repair has to be made. On the pointing out of the Delhi Jal Board, the petitioner shall carry out the repairs in the water pipe lines so that the ultimate result of providing clear drinking water is achieved. Both these activities are to be concluded within eight weeks. On completion of these works, if any, a joint report shall be submitted to this Court on behalf of the Delhi Jal Board as well as the petitioners.

This writ petition stands disposed of.

BADAR DURREZ AHMED
(JUDGE)

March 12, 2007
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